UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,700	01/02/2002	Uwe Hansmann	DE920000104US1/2289P	7582

7590   05/12/2011

SAWYER LAW GROUP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER
AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
2156	

MAIL DATE	DELIVERY MODE
05/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/037,700	HANSMANN ET AL.
	Examiner	Art Unit	
	Sana Al-Hashemi	2156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 March 2011</u>.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>44-51</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>44-51</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/2/2002</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is issued in response to amendment filed 3/10/2011.

Claims 1-43 were canceled. Claims 44-51 were added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 44-51, are rejected under 35 USC 102(e) as being anticipated by Bauer et al.

(Bauer hereinafter) US Patent No. 5,870,759 filed Oct. 9, 1999 and issued Feb. 9, 1999.

Regarding Claims 44, and 49, Bauer discloses a method for synchronizing data records

stored on a server system with data records stored on a client system (Col. 1, lines 53-56, Bauer),

comprising the steps of:

receiving a changed data record from the client system (Col. 2, lines 9-11, Bauer);

interpreting the received changed data record based on a client specific setup information,

wherein the client specific setup information comprises information to enable the server system

to identify the client system, to identify where to find information the server system needs for

synchronization and to provide at least one client specific command for the client system (Col. 2,

lines 1-14, wherein the limited data related to respective client corresponds to specific setup

information, Bauer);

updating a server database with the received changed data record (Col. 2, lines 11-14,

Bauer); and

transmitting to the client a program comprising at least one client specific command,

wherein when the program executed by the client system, data synchronization occurs (Col. 2,

lines 55-59, Bauer).

Regarding Claims 45, and 50, Bauer discloses a method wherein the client specific setup

information further describes a format of the data record stored in the client system (Col. 3, lines

3-9, Bauer).

Regarding Claims 46, and 51, Bauer discloses a method wherein the client system is one

of a mobile phone, a handheld computer, and a personal digital assistant (Col. 1, lines 16-20,

wherein the portable computer corresponds to the handheld computer, Bauer).

Regarding Claim 47, Bauer discloses a method for synchronizing data records stored on a

client system with data records stored on a server system, comprising the steps of:

identifying a changed data record in the client system (Col. 3, lines 21-26, Bauer);

transmitting the changed data record to the server system (Col. 2, lines 55-59, Bauer);

receiving a program comprising at least one client specific command, wherein the

program is generated and transmitted by the server system based on a client specific setup

information and the transmitted changed data record, wherein the client specific setup

information comprises information to enable the server system to identify the client system, to

identify where to find information the server system needs for synchronization and to provide at

least one client specific command for the client system (Col. 3, lines 40-48, Bauer); and

executing the program for synchronization (Col. 3, lines 53-59, Bauer).

Regarding Claim 48, Bauer discloses a method wherein receiving further comprises

receiving a compiled program comprising object code executable by the client system for

synchronization (Col. 26, lines 43-47, Bauer).

Response to Arguments

Applicant's arguments filed 3/10/2011 have been fully considered but they are not

persuasive.

Applicant argue the applied art fail to disclose "wherein the client specific setup

information comprises information … to provide at least one client specific command for the

client system".

Examiner disagrees. Col. 2, lines 1-14, Col. 3, lines 14-27, and Col. 7, lines 40-53,

discloses the argued limitations wherein the "limited data related to the respective client

corresponds to the specific setup information and the client determines what modification

detected ate the creation of the new data item corresponds to the comprises information to enable

the server system to identify the client system, to identify where to find information the server

system needs for synchronization and to provide at least one client specific command for the

client system, and wherein the programming command corresponds to the client specific

command.

Applicant argues the applied art fail to disclose transmit an executable program comprising at least one client specific command for the client system to synchronize the data records.

Examiner disagrees. Col. 2, lines 60-67, discloses a server determines refresh data and transmits to the client, and Col. 11, lines 37-44, discloses the transmit an executable program comprising at least one client specific command for the client system to synchronize the data records.

Applicant argues the applied art fail to disclose the three types of information as recited by the claims (information to enable the server system to identify the client system, to identify where to find the information the server needs to synchronization and to provide at least one client specific command to the client).

Examiner disagrees. the applied art disclose the three types of information claimed, the claimed information to enable the server system to identify the client system is disclosed (Col. 9, lines 36-40; to identify where to find the information the server needs to synchronization, the applied art at Col. 9, lines 41-47 discloses the identified row which has been added by the client and need to be synchronized; and provide at least one client specific command to the client, the applied art at Col. 2, lines 60-67, discloses a server determines refresh data and transmits to the client, and Col. 11, lines 37-44, discloses the transmit an executable program comprising at least one client specific command for the client system to synchronize the data records.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013.

The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Pierre Vital can be reached on 571-272-4215. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana Al-Hashemi/
Primary Examiner, Art Unit 2156
May 9, 2011